

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOE J.W. ROBERTS, JR.,

Plaintiff,

v.

VILMA KHOUNPHIXAY, *et al.*,

Defendants.

Case No. C19-014-MJP-MLP

ORDER STRIKING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

This is a civil rights action proceeding under 42 U.S.C. § 1983. Currently pending before the Court is Defendants' motion for summary judgment. (Dkt. # 48.) That motion was originally noted for consideration on October 18, 2019 (*see id.*), but was subsequently re-noted for February 28, 2020 to allow Plaintiff additional time to respond (*see* Dkt. # 77 at 7.) Rather than file a response to Defendants' motion, Plaintiff instead filed a series of motions relating to his access to legal materials and requesting appointment of counsel. (*See* Dkt. ## 79, 80, 87, 92.) On April 17, 2020, this Court issued an Order denying Plaintiff's motions and indicating that it would address Defendants' summary judgment motion by separate Order. (Dkt. # 102.) On April 24, 2020, before any Order could be issued on Defendants' summary judgment motion, Plaintiff filed a notice of appeal of this Court's April 17, 2020 Order. (Dkt. # 103.) That appeal is

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1 currently pending before the United States Court of Appeals for the Ninth Circuit and it would be
2 inappropriate for this Court to take any further action with respect to this case until Plaintiff's
3 appeal has been resolved.

4 Accordingly, this Court hereby ORDERS as follows:

5 (1) Defendants' motion for summary judgment (dkt. # 48) is STRICKEN from the
6 Court's motion calendar. The Court will re-note the motion for consideration once it has been
7 notified by the Ninth Circuit that Plaintiff's appeal has been resolved.

8 (2) The Clerk shall provide copies of this Order to Plaintiff, to counsel for
9 Defendants, and to the Honorable Marsha J. Pechman.

10 DATED this 4th day of May, 2020.

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13 MICHELLE L. PETERSON
14 United States Magistrate Judge
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